

ATTACHMENT TO NOTICE OF ALLOWABILITY

Applicants' After-Final Amendment

- 1) Acknowledgment is made of Applicants' after-final amendment filed 04/12/10 in response to the final Office Action mailed 05/12/09. The amendment has been entered.

Status of Claims

- 2) Claims 25, 30-36, 39-42, 50, 52, 55 and 58 have been canceled via the amendment filed 04/12/10.

Claim 57 is pending and is under examination.

Rejection(s) Moot

- 3) The rejection of claims 25 and 39-42 made in paragraph 41 of the Office Action mailed 12/15/06 and maintained in paragraph 16 of the Office Action mailed 08/14/07 and paragraph 9 of the Office Action mailed 07/09/08 and the rejection of claims 55 and 58 made in paragraph 9 of the Office Action mailed 07/09/08 and maintained in paragraph 19 of the Office Action mailed 05/12/09 under 35 U.S.C § 102(b) as being anticipated by Manning *et al.* (*Microb. Pathogenesis*, 25: 11-22, July 1998, of record) (Manning *et al.*, 1998) in light of Richarme *et al.* (*Ann. Microbiol.* 133A: 199-204, 1982, of record), is moot in light of Applicants' cancellation of the claims.
- 4) The rejection of claim 55 and the dependent claim 58 made in paragraph 13 of the Office Action mailed 07/09/08 and maintained in paragraph 20 of the Office Action mailed 05/12/09 under 35 U.S.C § first paragraph, as containing new matter, is moot in light of Applicants' cancellation of the claim.
- 5) The rejection of claims 55 and 58 made in paragraph 14 of the Office Action mailed 07/09/08 and maintained in paragraph 21 of the Office Action mailed 05/12/09 under 35 U.S.C § 112, first paragraph, as containing inadequate written description, is moot in light of Applicants' cancellation of the claims.
- 6) The rejection of claim 55 made in paragraph 16 of the Office Action mailed 07/09/08 and maintained in paragraph 22 of the Office Action mailed 05/12/09 under 35 U.S.C § 102(e)(2) as being anticipated by Rubenfield *et al.* (US 6,551,795, filed 02/18/1998, of record) as evidenced by

Harlow *et al.* (*In: Antibodies: A Laboratory Manual*. Cold Spring Harbor Laboratory, Chapter 5, p. 76, 1988, of record), is moot in light of Applicants' cancellation of the claim.

7) The rejection of claims 50, 52, 55 and 30-36 made in paragraph 17 of the Office Action mailed 07/09/08 and maintained in paragraph 23 of the Office Action mailed 05/12/09 under 35 U.S.C § 102(b) as being anticipated by Dunn *et al.* (*Microbial Pathogenesis* 18: 81-96, 1995, of record) as evidenced by Mignogna *et al.* (*J. Proteome Res.* 4: 1361-1370, 2005, of record), is moot in light of Applicants' cancellation of the claims.

8) The rejection of claims 50, 52 and 55 made in paragraph 19 of the Office Action mailed 07/09/08 and maintained in paragraph 24 of the Office Action mailed 05/12/09 under 35 U.S.C § 102(b) as being anticipated by West *et al.* (*Infect. Immun.* 47: 388-394, 1985, of record) as evidenced by Manning *et al.* (*Microb. Pathogenesis*. 25: 11-22, July 1998, of record) (Manning *et al.*, 1998), is moot in light of Applicants' cancellation of the claims.

9) The rejection of claim 25 and the dependent claims 39-42 made in paragraph 26 of the Office Action mailed 05/12/09 under 35 U.S.C § first paragraph, as containing new matter, is moot in light of Applicants' cancellation of the claims.

10) The rejection of claims 25 and 39-46 made in paragraph 28 of the Office Action mailed 05/12/09 under 35 U.S.C § 112, second paragraph, as being indefinite, is moot in light of Applicants' cancellation of the claims.

Remarks

11) Claim 57, now renumbered as claim 1, is allowed.

12) Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. The Fax number for submission of amendments, responses and/or papers is (571) 273-8300, which receives transmissions 24 hr a day and 7 days a week.

13) Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAG or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.Mov>. Should you have questions on access to the Private PAA

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (in USA or CANADA) or 571-272-1000.

14) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (571) 272-0854. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 7.15 a.m. to 4.15 p.m. except one day each bi-week, which would be disclosed on the Examiner's voice mail system.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Robert Mondesi, can be reached on (571) 272-0956.

/S. Devi/
Primary Examiner
AU 1645

April, 2010